University of Canberra Liquor (UCU) Rules 2018

made under the

*University of Canberra Act 1989, s 40 (Statutes) and University of Canberra (Liquor) Statute 2015*

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1. **Name of instrument**

These rules may be cited as the University of Canberra Liquor (UCU) Rules 2018.

2. **Commencement**

These rules commence on the date of approval by Council.

3. **Repeal**

The University of Canberra Liquor (UCU) Rules 2015 are revoked.

4. **Definitions**

(1) In this Statute, unless the contrary intention appears:

- *Act* means the *University of Canberra Act 1989* (ACT);

- *Board* means the Board established in accordance with the constitution of UCU Ltd;

- *Chief Executive Officer* means the person employed by the University who holds the role of Chief Executive Officer of UCU Ltd or equivalent;

- *Council* means the Council of the University established by section 9 of the Act;

- *exempt university building* has the same meaning as the Liquor Act 2010 (ACT);

- *grounds* of the University includes any part of the University, either owned or controlled by the University, other than private outlets and University buildings;

- *liquor* has the same meaning as in the *Liquor Act 2010* (ACT);

- *Liquor Act* means the *Liquor Act 2010* (ACT);
**Liquor Administration Officer** means the officer of the University appointed under section 7 of the Statute.

**member** means:

(a) a current member of the staff of the University;
(b) a currently enrolled student of the University; or
(c) an invited guest of either (a) or (b).

**patron** means:

(a) a customer of a private outlet purchasing goods or services from the outlet; or

(b) in the case of concerts and similar events held in a University building or in the grounds of the University, a ticket holder to the event.

**private outlets** means those cafes, restaurants, bars, shops or similar commercial outlets licensed by the ACT Government, to sell and serve liquor on the University’s leasehold at Bruce, ACT or at other places from premises owned by the University or under the control of the University or in an exempt university building;

**Responsible Service of Alcohol (RSA) certificate** has the same meaning as in section 193 of the *Liquor Act 2010* (ACT);

**Risk Management Plan** means the processes established at the University to manage exposure to significant risks through identification, assessment, treatment management of risks as agreed by the Vice-Chancellor from time to time;

**sale of liquor** means a person supplies liquor to another person for, or in expectation of, any reward or benefit to be paid or provided by that person or any other person, whether or not any person is under an obligation to pay or provide a reward or benefit. To avoid doubt, a person is taken to sell liquor to another person whether the liquor is sold or supplied directly to that person, or indirectly through means including, but not limited to, an admission charge entitling the person to be supplied with liquor, or the purchase of tickets redeemable for liquor.

**special function** means those functions specified by the Liquor Administration Officer which trigger the conditions for greater control and documentation. While not limited to the following, the specification would usually be applied to higher risk and more complex events including but not limited to large musical events and/or other events organised by private promoters or in conjunction with private promoters or events attracting more than 150 attendees. The specification of a function as a special function is at the discretion of the Liquor Administration Officer;

**special function permit** means a permit issued by the Liquor Administration Officer for special functions under section 9 of the University of Canberra Liquor (General) Rules 2015;
Statute means the University of Canberra (Liquor) Statute 2015;

third party means a company or other entity not owned or controlled by the University;

trading day means any day in a calendar year;

Union means UCU Ltd (ABN 33 119 755 627);

Union premises means that part of the University that is, by resolution of the Council, declared to be the Union premises for the purposes of the Statute as indicated in Schedule 1;

University means the University of Canberra established by section 4 of the Act and referred to in section 8(4) of the Liquor Act 2010 (ACT);

University buildings includes:

(a) all or any part of a building occupied by the University;
(b) all or any part of a building owned or controlled by the University and occupied for residential purposes or for management and other services supporting residential services; and
(c) all or any part of a building owned or controlled by the University and occupied by an external party under agreement or lease to the University.

To avoid any doubt, University buildings does not include private outlets.

Vice-Chancellor means the Vice-Chancellor and President of the University appointed under section 25(1) of the Act.

(2) Unless the contrary intention appears, a reference in these Rules to the hours when liquor may be sold, purchased or consumed in the Union premises is to be read as a reference to the times on a trading day when liquor may be sold, purchased or consumed in those premises.

5 Sale, purchase and supply of liquor

(1) Subject to the Statute and these Rules, the Union may sell liquor in the Union premises.
(2) Union and other event managers must hold a Responsible Service of Alcohol (RSA) certificate and follow the Responsible Service of Alcohol Guidelines wherever liquor is sold or supplied in union premises or on University land or in University buildings.
(3) The sale, purchase and supply of liquor in the Union premises or at events conducted on behalf of or in conjunction with the Union must be done in accordance with the Liquor Act.
(4) Sub-rule 5(3) does not apply to School/Divisional/Faculty/Vice-Chancellor’s events catered by the Union under rule 10(1) or 10(2) of the University of
Canberra Liquor (General) Rules 2015 or for the service of liquor by the Union within the faculty dining facility operated within Building 1, Level C, 50a and 50.

6 Persons who may purchase or consume liquor in the Union premises

(1) Subject to the Statute and to these Rules, staff and students of the University of Canberra, other persons and patrons of sporting, recreational, leisure and other events at the University may purchase or consume liquor in the Union premises.

(2) Only liquor purchased or supplied within the Union premises may be consumed in the Union premises.

7 Third parties

(1) The Board may enter into a formal agreement with a third party to produce, sell, or supply liquor in the Union premises or in private outlets on conditions determined by the Board.

(2) The conditions determined under sub-rule 7(1) must be documented as part of the formal agreement between the Union and the third party.

(3) The conditions determined under sub-rule 7(1) and documented under sub-rule 7(2) must be in accordance with the provisions of the Statute and these rules.

(4) Notwithstanding any agreement under sub-rule 7(1) third parties seeking to produce, sell or supply in the Union premises or in private outlets, must do so in accordance with the Liquor Act.

(5) Where the Board makes an agreement under sub-rule 7(1), the Board must cause a copy of the agreement to be transmitted to the Liquor Administration Officer, who must keep a record of the agreement.

8 Trading days and hours

(1) Subject to the Statute and to these Rules, liquor must not be sold, purchased or consumed in the Union premises on a trading day except during the hours that are determined from time to time in accordance with this rule.

(2) The Board may, from time to time, with the prior approval of the Vice-Chancellor, by resolution determine the trading days on which, and the periods of time on those days during which, liquor may be sold, purchased or consumed in the Union premises.

(3) The Board may at any time, with the prior approval of the Vice-Chancellor, by resolution vary any determination made under sub-rule 8(2)

(4) Any determination or variation made under sub-rule 8(2) or 8(3) must be in writing, signed by the Chief Executive Officer.

(5) The Board must cause a copy of any determination or variation made under sub-rule 8(2) or 8(3), whilst that determination or variation is in force, to be communicated in such manner as the Board considers appropriate.

(6) Where the Board makes a determination under sub-rule 8(2), the Board must cause a copy of the determination to be transmitted to the Liquor Administration Officer, who must keep a record of the determination.
Special Functions – seeking a special function permit

(1) Subject to rule 5, sub-rule 9(4) and rule 10, the Chief Executive Officer, in relation to the Union premises, may, by writing signed by that officer, grant a person or organisation permission to hold a special function at which liquor may be sold, purchased or consumed in the part of a building for which that officer is responsible, or in any specified area within that part of the building, on such a day and during such hours as that person determines.

(2) A written permission granted under sub-rule 9(1) must specify the day and hours to which the permission relates and the conditions, if any, applying to the special function.

(3) If the Chief Executive Officer grants permission under sub-rule 9(1) for the holding of a special function, that officer must, as soon as practicable but not later than 8 weeks in advance after the granting of the permission, cause a copy of the permission to be transmitted to the Liquor Administration Officer, who must keep a record of the permission.

(4) The Chief Executive Officer must not grant permission under sub-rule 9(1) except in accordance with written general directions, if any, given by the Board, relating to the holding of special functions.

Chief Executive Officer to determine application

(1) In determining whether to grant an authorisation for a special function under sub-rule 9(1), the General Manager must consider:
   (a) the suitability of the location of the special function within the Union premises and the point of sale of the liquor within the Union premises; and
   (b) if the applicant has completed a documented risk assessment in accordance with the Risk Management Plan and the level of risk identified and the treatment of that risk;
   (c) other events occurring on campus at the same time; and
   (d) the expected number of attendees; and
   (e) the facilities, including security and toilets, required and to be provided; and
   (f) the circumstances of any previous supply or sale of liquor by the applicant; and
   (g) whether the applicant holds the appropriate licence or permit under the Liquor Act if applicable; and
   (h) any other factor that the Chief Executive Officer considers relevant.

(2) If the Chief Executive Officer refuses an application under sub-rule 9(1), the Chief Executive Officer must provide written reasons for that refusal.

(3) The decision of the Chief Executive Officer in relation to an application is final within the University.

Restrictions on persons attending special functions

(1) This rule applies to a special function held in accordance with a permission granted under sub-rule 9(1).
(2) No person, other than a person entitled to attend a special function, or a person required to be present for the purposes of that special function, may enter any part of the area where that special function is being held.

(3) A person who is entitled to attend that special function may purchase or consume liquor in any part of the area where that special function is being held.

(4) A person attending a special function must not remove liquor from the area where the special function is being held.

12 **Contravention**

In addition to any offence as proscribed under the Liquor Act, a person who contravenes the Statute or these Rules may also be issued with a penalty or restriction imposed under a University instrument (such as the Discipline Rules or the relevant Enterprise Agreement or the University of Canberra (Student Conduct) Rules 2015).

13 **Observation of rules of conduct of the Union**

A person who purchases or consumes liquor in Union premises must observe the house rules of the Union made by the Board.

The foregoing Rules are made by Council under section 40 of the *University of Canberra Act 1989* and the *University of Canberra (Liquor) Statute 2015*.

In making this statute the University had regard to the provisions of section 40B(1)(b) of the *Human Rights Act 2004*.

Rules approved at Council meeting No. C192 held on 29 June 2018.
Schedule 1

Map of Union Premises.